

Regular Session, 2012

SENATE BILL NO. 317

BY SENATOR MARTINY

JUVENILE JUSTICE. Provides relative to parole eligibility for certain juveniles. (8/1/12)

AN ACT

To amend and reenact R.S. 15:574.4(B) and to enact R.S. 15:574.4(D), relative to juvenile parole eligibility; to provide for parole eligibility for juveniles sentenced to life imprisonment for certain offenses; to provide for exceptions; to provide for conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4(B) is hereby amended and reenacted and R.S. 15:574.4(D) is hereby enacted to read as follows:

§574.4. Parole; eligibility

* * *

B. No person shall be eligible for parole consideration who has been convicted of armed robbery and denied parole eligibility under the provisions of R.S. 14:64. ~~No~~ **Except as provided in Subsection D of this Section, no** prisoner serving a life sentence shall be eligible for parole consideration until his life sentence has been commuted to a fixed term of years. No prisoner sentenced as a serial sexual offender shall be eligible for parole. No prisoner may be paroled while there is pending against him any indictment or information for any crime suspected of having

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(i) The offender's validated risk assessment instrument which shall be prepared by the secretary of the Department of Public Safety and Corrections

for use in evaluating the risks associated with releasing the offender on parole.

(ii) A written evaluation of the offender by a person who has expertise in adolescent brain development and behavior.

(iii) Any other relevant evidence pertaining to the offender.

(b) The panel shall decide, by a majority vote, whether or not to release the offender on parole.

(c) The panel shall render specific findings of fact in support of its decision.

The original instrument was prepared by Cathy R. Wells. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

DIGEST

Martiny (SB 317)

Present law allows persons who were under the age of 18 at the time of the commission of the offense to be sentenced to life imprisonment without the benefit of parole for certain crimes, including first degree murder, second degree murder, aggravated rape, and aggravated kidnapping.

In the case of *Graham v. Florida* (130 S.Ct. 2011 (2010)), the U.S. Supreme Court held that the Eighth Amendment's "cruel and unusual punishment" clause does not permit a juvenile offender to be sentenced to life in prison without a reasonable opportunity for parole for a non-homicide crime.

Proposed law amends present law to allow persons who were under the age of 18 at the time of the commission of the offense, except those persons serving a sentence for a conviction of first degree murder or second degree murder, to be eligible for parole consideration upon reaching the age of 45 and upon serving 25 years of the sentence imposed when certain conditions have been met.

Proposed law provides for the procedure by which such parole decisions shall be made.

Effective August 1, 2012.

(Amends R.S. 15:574.4(B); adds R.S. 15:574.4(D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill.

1. Changes the required amount of time served to be eligible for parole consideration from 20 to 25 years.

Senate Floor Amendments to engrossed bill

1. Make a technical change.